

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, November 9, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
Adam Rodriguez, Town Attorney

### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss individual personnel issues and litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

### MOMENT OF SILENCE

Supervisor Slater asked if everyone would join him in a moment of silence to ask for patience and healing for the community. He also asked to remember all of our front line workers, emergency personnel, health care workers and the members of the U.S. Armed Forces.

### INTRODUCTIONS

Supervisor Slater introduced the members of the Town Board, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Town Comptroller Patricia Caporale.

### DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater addressed an incident that occurred the previous week at the Yorktown Republican Party's victory party. He said a disgusting and racial slur was used to describe Councilman Vishnu Patel, which does not reflect the values that we should all strive towards as individuals. Supervisor Slater said America has a complex, flawed, and sometimes contradictory history when it comes to race. He said that our founding principles are based on the notion that all people are created equal, but we know that despite their intentions that was not done in practice. He said that he could not help but wonder if people, given the opportunity, can evolve. He said he asks himself if America has evolved and he believes it has. He said he chooses to believe that Yorktown has and must, again, rise to this occasion. Supervisor Slater said he wanted to be abundantly clear: racism and hatred has no place in this community. He said the Town Board has, collectively and in a very bi-partisan way has denounced this time and time again in the past two years. He said that we cannot take back the words that were said last Tuesday, but we can send a clear message that racism and hatred will not be tolerated and people will be held accountable for their actions. Supervisor Slater said what occurred last week is an awful reminder that racism does exist in our community, just as it does in every community across the country. He said he knows that people are hurt, disgusted, and angry and they have every right to be. He said he is. Supervisor Slater said Councilman Patel and his family truly embody the American dream. He said he did not have the words to express the measure of sadness that he has for him and his family. Supervisor Slater said to not let this be the capstone of an immeasurable career dedicated to public service, science, justice, and the American way. Supervisor Slater addressed Councilman Patel directly and said, "I am so sorry that you and your family have to face this hatred, but please, please, please know that you are not alone, you are not facing it alone. Our community is standing beside you; we are standing behind you. I still believe this is a great community, but we are facing and important test. This test isn't about Democrats versus Republicans, but about people and neighbors. It's not about politics; it's about basic decency and humanity." Supervisor Slater said that Yorktown needs time to heal as a community and also how, as a community, we will respond. He said there are steps that can be taken from working with the County's Human Rights Commission to provide bias training, exploring chief diversity officers, or even racial impact

statements on proposed legislation. He said these are steps the Town Board must explore in order to put action behind words. Supervisor Slater said we must acknowledge that racism and unconscious bias exists and that is what was seen last Tuesday. He said a clear message must be sent that it will not be tolerated in the Town of Yorktown. Supervisor Slater addressed Councilman Patel directly and said, "Councilman Patel, it has been an honor to serve with you and I truly thank you for your service to our community beyond what you've done as a Town Board member because you have been doing it for much longer than that. I truly hope that you will forgive all of us and the Town that you have done so much for and which you love with your whole heart for letting you down. It will never happen again on my watch, I promise you that, sir, and for that you have my word and you shall forever have my gratitude and admiration."

Supervisor Slater asked the Town Board members if they had any remarks.

Councilman Diana said he wanted to thank Alice Roker and Vishnu Patel; he said it has been an honor and pleasure to serve with both of them. He said he is appalled at what was said and that the Town Board was behind him.

Councilwoman Roker said people do not understand how hard Councilman Patel works for the community; particularly the children. She quoted the poet Maya Angelou, "when people show you who they are, believe them." She said we now can believe him.

Councilman Lachterman also thanked Councilwoman Roker and Councilman Patel for their service and for what he learned from them both. He said that Councilman Patel brings a certain perspective to the Board and it was outrageous that he was treated with such disrespect. He said everyone feels dismayed at what was said.

Councilman Patel said this is not surprising that one individual at the Republican Party's celebration shouted obscene remarks directed towards himself. He said that his son and daughter were the first brother and sister (and residents of Yorktown) to graduate from the West Point Military Academy and now work in very high positions. He said Donald Trump's behavior as President gave permission to the worst element in the Republican Party to say whatever they want. He said what hurts him deeply is that the video showed leaders of the Yorktown Republican Party applauding and nobody said anything. He said, nonetheless, he remained hopeful that the new generation of Yorktown Republicans will appeal to the best of the party and not the worst. He said he will continue his work to help the Town in whatever way he can.

Supervisor Slater continued his remarks to the Town by announcing the following:

- The water storage tanks on Quinlan Street (No. 3 & 4) are going to be inspected this week. The Water Department is continuing their leak detection exercises. This work is being done in-house, which saves the Town approximately \$15,000.
- The valve replacement that was scheduled for tonight at the corner of Route 132 and Holly has been rescheduled.
- The Water Department has begun processing and issuing their commercial water meter letters. They sent 100 letters in the last week to commercial water meter customers regarding their annual inspection to be completed by the end of the year.
- Thanks to those who have been helping the Gazebo project at Veterans' Field. Progress is being made replacing the ramp up to the gazebo.
- DEC's annual inspection of Sparkle Lake Dam is forthcoming.
- The Library is offering a free tutor drop-in every Wednesday beginning at 4:45 p.m. for grades 2 through 6.
- Regulations have been passed by the State of New York pertaining to Delta 8. Delta 8 was an item that was discussed during the Town's hearings on marijuana. Delta 8 had been allowed to be sold in convenience stores and gas stations and due to the new regulations passed in New York State, it is no longer going to be able to be sold.
- Reminder of the Veterans' Day Parade this Sunday at 2:00 PM (if you're marching it is 1:00 PM).
- Thanks to the partners in the booster vaccination clinics, as they have been going very well. There will be a pediatric vaccination clinic at Acme this Friday.
- The Holiday Lights Parade will be held on December 4<sup>th</sup>.
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Supervisor Slater congratulated all of the candidates who participated in the past election. He said that it is not easy to be a candidate. He congratulated all of those who were on the ballot for a job well done in representing the community.

#### REPORTS FROM THE TOWN BOARD

Councilwoman Roker said that on Friday, the 19<sup>th</sup>, the Senior Advisory Committee is going to hold a meeting in the gym at the AACCCC to discuss the numerous Medicare commercials that are on TV being sponsored by private companies. She said there is a way to get the same information, with no financial obligations, from Westchester County. A woman from the County will be attending the discussion to answer questions.

Councilman Lachterman said that seniors needed to be careful of the same types of companies doing phone solicitations that are confusing and may cause a change in your policy. Councilman Lachterman also announced that the Lions Club will be serving hot dogs after the Veterans' Day Parade. The Sons of the American Legion have moved their breakfast from the third Sunday of the month to the second Sunday of the month for this month only in order to be able to serve breakfast on the day of the parade. Veterans are being served for free.

Councilman Patel said he attended an Eagle Scout Ceremony along with Councilman Lachterman. He talked about the valuable contributions the Eagle Scout projects make to the community.

Councilman Diana said that people do not really understand the dedication it takes to run for public office. He said it is a family affair and the Town Board is like a small family. He also said they could not do it without the support of their families. He thanked all those who participated in the election process. He congratulated all. He and Councilman Patel shared memories they had of working together over the years.

Highway Superintendent Dave Paganelli addressed Councilman Patel and quoted Winston Churchill, "We make a living by what we get, but we make a life by what we give." He said he believed Councilman Patel is the embodiment of that statement. He also quoted "To build may have to be a slow and laborious task of years, to destroy can be the thoughtless act of a single day." Superintendent Paganelli said Councilman Patel could rest assured that his legacy would not be destroyed by the thoughtless act of a single day. He said he was sorry that Councilman Patel had to deal with such unpleasantness at this point in his life.

#### POET LAUREATE

John McMullen, Poet Laureate, read his original poem regarding Halloween.

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Kevin Byrnes, resident and Chairman of the Yorktown Republican Committee, said there was not much more to add to the comments already made by the Board regarding last Tuesday's incident. He agreed that the comments made were despicable and he read the statement that he gave to the media for those who might not have heard.

Rachel Frederick, resident, addressed Councilman Patel and said she was very sorry that this incident would be a mark on his public service story. She said the racial slur was disrespectful and dishonorable. She spoke of his 10 years of public service. She proposed that the Town honor Councilman Patel's service to the Town by dedicating the garden by the gazebo to him. She addressed Supervisor Slater and said she appreciated the statement he made earlier. Mr. Frederick said it is now time for action and the Town Board should consider bringing in a chief diversity officer. She thanked the Board for their service to the Town.

Mel Tanzman, resident, said this has been a very sad and tumultuous week for the Town. He would like the community to come together to recognize and accept that we do have systemic racism in our Town, our state, and our nation and resolve to do better. He said that we needed to be proactive in addressing the problem and engage in a community dialog where we engage each other calmly and respectfully. Mr. Tanzman said that he would not be surprised if he were attacked on social media for speaking out this evening. He said he wanted to ask the Town Board to commit to a community dialog – a Town Hall Meeting – facilitated by a third party, such as the Director of the County's Human Rights Commission. Mr. Tanzman expressed his regret that Councilman

Patel was the target of such a vile attack. He thanked him for his service, commitment, and generosity to Yorktown.

Wendy Frank, resident, spoke about the unsightly election signs in Yorktown, which seem to not be in any other towns. She said she had sent the Board her concerns along with other town's codes regarding sign postings and she never received a response. She said the Town looked terrible and said Code Enforcement has done nothing.

Mike Matone, resident, voiced support for more diverse housing in Town. He spoke about racism in his youth and voiced support for Councilman Patel. He said it was disgusting that someone who positions himself as a leader in the local Italian-American community and an organizer of the Feast of San Gennaro would come out and make these comments. He appreciates the condemnation by the Town Board. He asked that the Town Board review their agreements and work with the nonprofit CCM of Westchester and the Yorktown Feast of San Gennaro and demand that Tom Pomposello, who is responsible for the remarks, immediately resign his position and completely remove himself from the event.

Paul Moskowitz, resident, thanked Councilwoman Roker and Councilman Patel for their many years of service. He said that during the brief period when Councilwoman Roker was Acting Supervisor, it was one of the calmest periods in Yorktown and hoped she would return someday in that capacity. He said that he remembered Councilman Patel showing him his pictures of the children he was working with on the science fair and how serious he was about this work with them. He thanked them both for their service.

Susan Siegel, resident, thanked the Town Board members and the members of the public for their comments about Councilman Patel. She asked the Board for an update on five pending issues that were raised at previous Town Board meetings and are waiting for some type of resolution.

- First – the status of the American Rescue Fund and the possible \$2.5 million the Town might receive from the federal government. Would there be public input as to how to use the money?
- Second – the status of Ethics Reform – back in June the Board hired a special counsel to review the current Ethics Code to see if there were any sections that needed amending.
- Third – the sign law that was discussed in August and the Board talked about the need for amendments.
- Fourth – update on the status of the EAF for the Overlay Law – when will that be made public and would there be a public discussion before the Board proceeds to a public hearing on the Overlay Law?
- Fifth – an update on the Water Meter Project.

Luciana Haughwout, resident and incoming Councilwoman, addressed the large amount of discomfort that was caused by the comments made at last Tuesday's event. She said they were not comments heard by the candidates and said the comments not only hurt Councilman Patel but also hurt the entire community. She said she wanted to bring awareness to the fact that this is an issue to be faced by the entire community and a space needs to be provided for people to talk about it. Ms. Haughwout offered her office space if anyone needed to talk it through.

Mark Lieberman, resident and Co-Chair of the Yorktown Democratic Committee, said that what happened last week at the Republican Victory Celebration was shameful and cruel. He said no one deserves to be exposed to such belittlement and bigotry. He said we live in a heterogeneous society – that is America. He said in order to co-exist everyone must learn to live side by side in a diverse America. Mr. Lieberman said differences in color, religion, ethnic background, and ability must be embraced for society not only to survive but to thrive. He said that words of apology are inadequate to correct an act of hate like this. He said the word “disappointment” is inadequate to address the lack of concern by attendees at the party, as the racist comment was made without objection. He said the leaders and attendees of the event should have stepped in and denounced this type of speech before they were shamed into doing it. Mr. Lieberman said alcohol is not an excuse for racism; there is no acceptable excuse. He said that the good news is that people all over the nation are standing up against hate and promoting tolerance and inclusion. He said, as people have seen because of this event, when hate flares up, good people speak up with strong voices. Mr. Lieberman called for the Town Board to adopt and make available well-documented principles and programs for fighting such hate, and we now know the first person for this program.

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, Courtesy of the Floor was closed.

Councilwoman Roker said a community discussion is necessary for people to discuss what is and is not appropriate. She said the Town should host a conversation for the community.

Supervisor Slater agreed with the idea, as well as other options that may be available. He said he has spoken with regional experts to ask about what action items can be offered to the community in a constructive and thoughtful way. He said it is important to rally behind Councilman Patel and his family to offer them support. Supervisor Slater said, as he was in the room where the incident took place (as well as Councilman Lachterman), that no one in the room heard what was said because no one would have stood for that type of language. He said that social media is the great divider – he said he has seen photos being peddled all over social media, one of him specifically and he asked people to look at who was in his arms that night – a child. He said he would never allow anyone to say such things in front of a child. He said if he had heard it, it would have been handled immediately. He asked that people not believe everything they see.

Supervisor Slater addressed Mr. Matone’s comments regarding the San Gennaro Feast. He said that he has publicly stated that if someone doesn’t uphold the values of this community, the Town should not be partnering with them. He said he feels there should be new leadership of the San Gennaro Festival in order for it to continue in this community.

Councilwoman Roker addressed Ms. Frank’s issue regarding political signs. She said the law does not allow the Town to do much about political signs but they can address the size of the signs. She agreed that there are many signs that are too large.

Councilman Lachterman pointed out that it was on both sides of the aisle (Republican & Democrat) and Councilwoman Roker said that did not matter. He, too, said if he had heard the comments that night, it would have been addressed immediately. He said from their vantage point at the front of the room that they could not hear what was being said in the back of the room. He said that part of the healing process is recognizing that people are individuals and not representative of a group of people.

Supervisor Slater asked Town Comptroller Pat Caporale if there was anything new on the ARA money besides what was discussed and she replied no. Supervisor Slater asked Town Attorney Adam Rodriguez if there was anything new from the special counsel doing the review of the Ethics Code and Mr. Rodriguez said the review is ongoing and the Town Board could anticipate proposals in the near future. Supervisor Slater said they are getting very close on the Water Meter Project; they continue to meet with the Finance Department and the Water Department. He said the Water Superintendent provided documentation to the Town Board members this past week regarding his recommendations. Supervisor Slater said he anticipates the Board moving in a very swift direction so they can finally tackle this project after so many years of it being stalled. He said the Board’s intention is to take care of this by the end of this year. Supervisor Slater said the EAF for the Overlay District is being worked on diligently by the consultants. The traffic portion should be completed this week. He said a draft should be presented before the Board in a week or two, which would be open for public discussion.

Councilman Diana said he was not present when the remarks were made and that he is appalled by the remarks. He said there is no place for this in Yorktown.

#### CONVENE PUBLIC HEARING ON THE REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN

Supervisor Matthew Slater convened a public hearing to allow comment on revisions to the Section 8 Administrative Plan. Town Clerk Diana Quast displayed the Affidavit of Publication for the public hearing. Supervisor Slater introduced Sandrine Nseng, Director of Section 8 Housing.

Supervisor Slater shared the plan on his screen. Ms. Nseng said the plan has been updated because HUD made revisions due to COVID. She said the Administrative Plan has rules that deal with billing landlords and tenants. Ms. Nseng went through a slide presentation reviewing the changes that HUD has made. She said the Administrative Plan is for public review for 45 days, after which it is submitted to HUD.

Changes include:

- Lewisboro has been added to the Housing Choice Voucher assistance program
- Translation will be provided for hearings and videoconferencing made available.
- A section was added not subjecting anyone in protected classes to sexual harassment.
- Eligibility – HUD has added a new criterion that eliminates anyone receiving a duplicate subsidy and arrest records cannot be used to deny or terminate participation in the program. Convictions may be used.
- Briefings may be used remotely; however, reasonable accommodations need to be made for either in person or remote.
- Distributions from an ABLE account and actual or imputed interest on the ABLE account balance do not count as income.
- Inspections may be done remotely (not mandatory) and inspections must be inspected at least every 24 months.
- Family has the right to request an explanation of how assistance was calculated and if the family disagrees, they have a right to informal hearing.
- New owner of a foreclosed property does not have good cause to terminate the tenant's lease unless they intend to live on the property.
- Records of arrests will not be used as the sole basis for termination or proof that the participant engaged in disqualifying criminal activity.
- Landlord outreach to increase unit inventory.
- Email was added as a mode of communicating with the different parties of PHA deals (landlords, program participants, and applicants). Previously only fax, mail, and in-person communication were included.

Councilman Patel asked if these low-income families have things like phone, cable, etc. included in their assistance. Ms. Nseng said they have access to come to in-person meetings. She said many participants have access to at least one phone or are using a family member's phone.

Councilwoman Roker asked if the majority of Section 8 participants (excluding seniors) work and Ms. Nseng said yes. She said there are families who are on fixed incomes or are disabled and those who just do not make enough. Ms. Nseng said that they also have a lot of people who recently lost their jobs due to the pandemic.

The following members of the public spoke:

Sarah Wilson, resident and member of the Community Housing Board, said it is important for residents to understand the difference between Affordable Housing and Section 8 Housing. She said the presentation was very helpful, particularly Landlord outreach. The Housing Choice Voucher Program (HCVP) limits the amount of an occupant's housing payment to a portion of their income, but the landlord typically receives the full market value – some from the tenant and the rest from the program. Affordable housing is housing that is set at a cost below market rate. She said when she was a child, her family qualified for Section 8 housing, which enabled her and her sister to remain in their community and school district. Offering housing options that meet the needs of everyone in the community, regardless of income level, is vital to maintaining a strong and vibrant community. She said that the Housing Board would welcome the opportunity to sit down with the Town Board to discuss ways that would ensure that Yorktown has that housing diversity in town, especially in light of all of the proposals for large housing developments in Yorktown – none of which are required to contain any affordable housing units under current law.

Mel Tanzman, resident, thanked Ms. Nseng for the presentation and welcomed her to the Town of Yorktown. He said he would like to have been able to be more prepared for tonight's discussion and suggested that a marked-up plan with the changes be made available to the public prior to the public hearing. He commented on the importance of this program to residents. He is a member of the County's Housing Opportunities Commission. He said the HCVP is to provide rental assistance to eligible families. He said you would not expect people in Yorktown to need such assistance but the data shows something different. Mr. Tanzman said Westchester County's 2021 Housing Needs Assessment shows there are 1,915 renters in Yorktown; 44.9% are paying unaffordable or severely unaffordable rents (paying more than 30% income for rent). The hourly wage rate for Yorktown is \$15.85 and the average fair market rate for a 2-bedroom apartment in Westchester is \$1,687. Using these numbers a working family would have to work 81.9 hours a week to afford a rent at the fair market level. In addition, the supply of rental units is dwarfed by

the demand, thus, success of the HCVP is dependent on the further development of affordable units in Yorktown. Mr. Tanzman said that while the HCVP waiting list has been closed in Yorktown for many years, he is hopeful for more funding from Washington for the program. He also noted that the HCVP in Yorktown cannot exclude non-Yorktown residents under federal law. He said that in 2011 Yorktown was sued due to discriminatory eligibility practices. Mr. Tanzman said he hopes the HCVP is not sacrificed. He urged the Town Board to consider moving forward on a new Affordable Housing Set-Aside Proposal, as presented by the Community Housing Board. He said the new overlay districts being considered by the Town can and should require 10% of all units meet affordability guidelines.

Supervisor Slater said this public hearing would be adjourned to accommodate the 45-day period for public review. Supervisor Slater said it would be put on the Town's website for review.

Town Clerk Quast stated that the plan has been on the Town's website, it was available in the Clerk's office, the Section 8 office, and the J.C. Hart Memorial Library. He asked when it was posted and Ms. Quast stated it was posted the day it was received from the Section 8 office. She said the 45-day review period has to be from the day of the public hearing (today).

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was adjourned. Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, and carried.

#### TENTATIVE BUDGET FOR 2022

Councilman Patel said he did not want the Board Members to receive a salary raise under this budget.

Councilman Lachterman asked Supervisor Slater to explain to the public the raise and the mechanism in the Town law. Supervisor Slater introduced Town Comptroller Pat Caporale to provide the explanation. Ms. Caporale said this was by resolution and that is why the raises for elected officials are incorporated into the budget on an annual basis.

Councilman Lachterman asked Ms. Caporale what the raises are based on and she replied whatever the CSEA union's raise negotiated is what the elected officials are entitled to.

Councilwoman Roker said she does not think this is a smart thing to do. She said that if you want to hire the best people to sit in these positions, you must offer them something. She asked, across the Town Board, what the councilmembers make and was told \$19,000 (proposed \$20,000 in the next budget).

Supervisor Slater in 2010 when the resolution was passed regarding elected official salaries, the salary was \$18,083. Medical insurance is contributory; it is not paid for in addition to their salary.

Councilman Diana agreed with Councilwoman Roker. He said he recognizes that Councilman Patel gives back his salary but that is his personal choice. He said this position is barely above minimum wage for many hours worked in this "part-time" position. He said many other municipalities pay more to elected officials. He said the elected officials do this, not for money, but for the love of the Town.

#### ADOPT AMENDED TENTATIVE BUDGET AS THE PRELIMINARY BUDGET FOR THE YEAR 2022

##### RESOLUTION #437

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Resolved, that the Town Board adopts the amended Tentative Budget as the Preliminary Budget for the Year 2022.

Slater, Diana, Lachterman, Roker Voting Aye  
Patel Voting Nay  
Resolution Adopted.

ADOPT NOTICE OF PRELIMINARY BUDGET PUBLIC HEARING FOR THE YEAR 2022  
RESOLUTION #438

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1<sup>st</sup>, 2022 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, in the said Town where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning November 19, 2021, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 7<sup>st</sup> day of December, 2021 at 7:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2022 Preliminary Proposed General Budget totals \$63,169,071 representing an increase of \$2,416,533 from the 2021 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$124,361.00
Councilman (4) -	\$ 20,064.00
Town Clerk -	\$105,247.00
Superintendent of Highways -	\$131,336.00
Town Justice (2) -	\$ 40,000.00

By Order of the Town Board of the Town of Yorktown, N.Y.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

TOWN OF YORKTOWN HAZARD MITIGATION PLAN

Supervisor Slater introduced Cynthia Addonizio Bianco to discuss the Hazard Mitigation Plan that Westchester County is doing.

Ms. Addonizio Bianco shared her screen to present the plan update. She introduced herself as the consultant who is supporting the update on the plan for the County. She said that it is important that the residents of Yorktown understand that this plan exists and that it is adopted in order to provide eligibility for FEMA pre-disaster mitigation grants. She explained that a mitigation plan is a plan to give a roadmap to increase community resilience and mitigation is defined as the sustained action to reduce or eliminate long-term risk to life and property from a hazard event. She said this translates into needing a plan that is going to address potential impacts of identified hazards and concern for the community. Ms. Addonizio Bianco discussed the highlights of each of the slides, reviewing some of the hazards that this area faced over the last several decades and that are covered in the plan. She quoted the mission statement of the Hazard Mitigation Plan: "The mission of the Westchester County Hazard Mitigation Plan is to protect and enhance the health, safety, property, environment, and economy of the communities within Westchester County and to increase resilience by partnering and planning to identify and reduce future vulnerability to natural and other emerging hazards in an equitable, proactive, and efficient manner."

Ms. Addonizio Bianco said they are in the final phase of the project and will be finalized soon and posted for public review on November 15, 2021. Once the State and FEMA approve the pending adoption, the Town can issue an adoption resolution to ensure the Town of Yorktown is covered.

Supervisor Slater introduced Town Engineer Dan Ciarcia and Margaret Gspurning, Human Resources who have been working with Ms. Addonizio Bianco on the plan.

Mr. Ciarcia said the issue is that this process has been going on for a while and there was a list of 39 projects that came out of the public participation process. He reviewed the list of projects that were submitted as the highest priority, which he would like to see advance in the next couple of years, i.e., dredging the stream channels at Linette Court, Mill Pond Road, Bound Brook Lane because of the flooding that takes place in those locations.

Supervisor Slater stated that this was a collaboration of our Highway Superintendent Dave Paganelli, Building Inspector John Landi, Director of Planning John Tegeger, and the police department to identify the projects and that by participating in the plan, the Town will benefit by, hopefully, getting the dollars from the federal government to address the projects.

ALMEIDA-1875 BROOKDALE STREET - WETLAND AND MS4 STORMWATER MANAGEMENT PERMIT APPLICATION INCLUDING MITIGATION PLAN

Supervisor Slater introduced Heitor Almeida, property owner, and Joe Riina, Project Engineer, Site Design Consultants. Mr. Riina said that the last time they were before the Town Board they were referred to the Planning Board, Conservation Board, Tree Conservation Advisory Committee (TCAC). He said that they received both written and verbal comments from these boards and all issues were addressed. Mr. Riina said they were ready to move forward with the opening up the public hearing again and continue the rest of the process. Supervisor Slater reviewed the Conservation Board's and TCAC comments (new updated plan must be provided) with Mr. Riina. The Town Board questioned Mr. Riina about changes made as a result of the referral process.

Supervisor Slater said a reconvene of the public hearing would be scheduled.

REPLACEMENT OF BAPTIST CHURCH ROAD BRIDGE BY THE NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION

Supervisor Slater introduced Highway Superintendent Paganelli, Jeff Busse – NYCDEP, Victoria Carpenter - EnTech Engineering, and Ron Roman from Hardesty and Hanover. Superintendent Paganelli had some issues with the project, per the last work session that needed to be addressed at this work session. Superintendent Paganelli said he had the opportunity to speak with Mr. Busse about the need for a street opening permit for the project, particularly since the Town just spent \$107,000 paving that portion of Baptist Church Road. He said that this is not an engineered road – it was a dirt road that became oil and stone and then had asphalt thrown on top of it. He said that he is sure that this newly paved road would not stand up to the traffic that is going to be put on it during this project over the course of the two years. Superintendent Paganelli said that it will be part of the street opening permit that he will go out independently (or together) and videotape the road, verify that the road was paved three months ago and anything that happens to that road in the next two years, given that it will be closed, will be a result of this project.

Mr. Busse said that this issue was discussed internally at the DEP and it is part of DEP's standard practice to have the contractor fix or replace any facilities that are damaged by their operations and the cost would be borne by the contractor. He said that this practice would be reinforced for this project after hearing the concerns of the Town. He said the roadway would be videotaped for its pre-construction condition and then they would be able to tell if any damage was done by the contractor's operations. He said that this language would be added to their contract.

Highway Superintendent Paganelli thanked Mr. Busse for taking care of this and looked forward to working with him on the project.

Mr. Busse said a meeting is being scheduled with the Hunterville Homeowners Association to discuss the project with the area residents.

AMEND PEDDLER/SOLICITOR LAW AND ADD A "DO NOT KNOCK REGISTRY"

Town Clerk Diana Quast stated that she had been reviewing some of the Town laws that affect her office. She said that she would like to amend the Peddling and Soliciting Law, which has not been updated in quite a few years, and also add a "Do Not Knock Registry." She said that the registry would be maintained by her office and a property owner or occupant would sign up in her office or online to be included on a list of addresses that would be given to all licensed solicitors or peddlers, which would restrict them from entering the premises. Clerk Quast said that the Town would not be able to restrict any solicitation in conjunction with political, educational, charitable, religious, or other non-commercial purposes – these are not subject to "do not knock" registries. She said that she would get a draft of the proposed amendment to the Town Board by the end of next week for review.

Supervisor Slater agreed that this would be a good idea. He spoke about what qualifies for the registry and what does not. Town Clerk Quast discussed what groups are licensed through her office.

### PROPOSED MORATORIUM ON GROUND MOUNTED SOLAR ENERGY SYSTEMS

Councilman Diana said this is a work in progress. He spoke about the reasons why he believes a moratorium is needed. He said that while solar energy is clean and neat, it must be in the proper place and done properly. Councilman Diana said the positives it provides are immense, especially with the closing of Indian Point. He said that the moratorium is meant to “tap the brakes” on ground-mounted solar in residential areas only. He said that, in his opinion, this is a commercial/industrial use that is being put into a residential area. Councilman Diana said that screening requirements, the decommission plans, and bonding have been spoken about at a previous meeting. He spoke about the appropriateness and attractiveness of solar panel placement on a residence. He also spoke about the height of ground-mounted arrays as being too high. He said that conversations should be had with solar consultants about how high the panels must be in order to be effective. He said that there are panels that pitch automatically to capture the rays of the sun depending upon the time of year.

Councilman Diana said that there is a need to enhance the law and they are working on that, but he believes it is time to “tap the brakes” and investigate the ramifications of solar arrays. He said he knows that this is the future and much will change as solar becomes integrated into our codes, permits, etc. He would like to see a moratorium be put in place to give the Town time to review the subject. Councilman Diana sent a draft of the moratorium to the Board members and looks forward to working on the law.

Councilwoman Roker cautioned that this should be reviewed with the Town Attorney to ensure its legality.

### MASTER FEE SCHEDULE

This is a follow up to the Master Fee Schedule agenda item discussed at the last work session. Supervisor Slater introduced Comptroller Patricia Caporale. Supervisor Slater said that, as a reminder, the agreement was to make this part of the annual budget so that department heads review all of their fees to make sure they are up to date. Supervisor Slater asked Councilman Diana if he had a conversation with Building Inspector John Landi, as was discussed at the last meeting. Councilman Diana said he did. Amendments were made and were sent to the Comptroller.

Councilwoman Roker said she had questions about the amendments and would like to speak to Mr. Landi. She said that generally when fees are raised, you have to be able to provide justification for the increase. She said there are a couple of suggested increases on the submitted chart that she is not certain of and said it is probably not the smartest thing to list increases without stating the current fees.

Councilman Diana said that this discussion would probably have to continue at another meeting because there are some fees that are questionable from other departments, as well (Water Department). Councilman Diana reviewed some of the fees from the Building Department and explained the need for some of the increases (boilers, generators, etc.).

Councilwoman Roker said she has a problem with the increases because this is not an “up” economy right now.

Supervisor Slater suggested tabling the conversation because the department heads were not present to explain the changes. Supervisor Slater led a discussion about changing fees in the Master Schedule as part of the budget and being able to make changes without having to amend the code.

A discussion was held about event fees to cover Town services. Supervisor Slater said the budget line for events has been decimated this year and puts stress on the system that is supported by the taxpayers. He suggested a 50% event fee for all Town workforce expenses at the discretion and recommendation of the chief of police as part of his safety evaluation process. Councilwoman Roker, Councilman Diana, and Councilman Lachterman agreed, as well as Superintendent Paganelli.

REAPPOINT LAWRENCE W. KLEIN, P.E. AS A MEMBER OF THE TREE CONSERVATION ADVISORY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE ON OCTOBER 31, 2024  
RESOLUTION #439

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED, that Lawrence W. Klein, P.E. is reappointed as a member of the Tree Conservation Advisory Commission for a three-year term to expire on October 31, 2024.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE CHIEF OF POLICE FOR 2022 THROUGH 2024  
RESOLUTION #440

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement with the Chief of Police Robert Noble for 2022 through 2024.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE SUPERVISOR TO EXECUTE A CONTRACT WITH MRI SOFTWARE LLC, FOR HAPPY SOFTWARE LICENSE AND SUPPORT FOR THE SECTION 8 OFFICE IN THE AMOUNT OF \$7,876.99  
RESOLUTION #441

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Supervisor is authorized to execute a contract with MRI Software LLC, for the sum of \$7,876.99 for HAPPY software license and support for the Section 8 Office, to cover the period from February 1, 2022 through January 31, 2023.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE SUPERVISOR TO SIGN NYS DOT COMPLIANCE POLICIES  
RESOLUTION #442

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, the Supervisor is authorized to sign the following NYS DOT Compliance Policies: Title VI Assurances/Non-Discrimination Assurances, Limited English Proficiency Policy, Equal Employment Opportunity Policy, Disadvantaged Business Enterprise Program, and M/WBE Policy to comply with the NYSDOT conditions for the Town to receive Federal Financial Assistance through the New York State Department of Transportation.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE POLICE DEPARTMENT TO PURCHASE ONE (1) ADDITIONAL 2022 FORD POLICE INTERCEPTOR HYBRID SUV FROM THE WESTCHESTER COUNTY CONTRACT RFB-WC-19023 IN THE AMOUNT OF \$36,047.00  
RESOLUTION #443

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) additional 2022 Ford Police Interceptor Hybrid SUV from the Westchester County contract RFB-WC-19023, awarded to Beyer Ford in the total amount of approximately thirty-six thousand, forty-seven dollars (\$36,047.00).

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO PAY BRITTANIE O'NEILL THE CASH VALUE OF UNUSED TIME AS OF HER DATE OF SEPARATION  
RESOLUTION #444

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED that the Town Board hereby authorizes the Town Comptroller to pay Brittanie O'Neill the cash value of unused time as of her date of separation:

Rate of Pay: \$35.9962  
Vacation Time 14.00 hours x \$35.9962 = \$503.95

Total \$503.95

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From: A3620.101	Building Salary	\$503.95
To: A3620.108	Building Lump Sum Payments	\$503.95

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT DRAINAGE PROJECTS  
RESOLUTION #445

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, the Comptroller is hereby authorized to process the following budget transfers:

From:		
D5110.101	Highway – Salary	\$98,000.00
To:		
D5130.403	Highway – Supply & Materials	\$18,000.00
D5110.479	Highway – Drainage	\$80,000.00

for supply and materials purchases and drainage projects to the end of the year.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE POLICE DEPARTMENT – CONTRIBUTION PAYMENT  
RESOLUTION #446

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer for the Police Department:

From:		
A.1002	General Fund – Fund Balance	\$379,523.00
To:		
A9000.812	Police Retirement	\$379,523.00

for the contribution payment to be processed in December 2021 due to rate increases assessed during calendar year 2021.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE POLICE DEPARTMENT – OVERTIME PAYROLL  
RESOLUTION #447

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer:

From: A3120.810 Police Medical \$45,050.06

To: A3120.111 Police Overtime \$45,050.06

to cover overtime for Payroll #20.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE POLICE DEPARTMENT – SALARIES PAYABLE TO DECEMBER 31, 2021  
RESOLUTION #448

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Comptroller is hereby authorized to process the following budget transfer:

From: A3120.810 Police Medical \$126,800.00

To: A3120.102 Police Salaries Uniformed \$126,800.00

to cover salaries payable to December 31, 2021.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE COMPTROLLER TO ISSUE A WATER REFUND TO CROWNE VICTORIA REALTY SERVICES LLC, ACCOUNT #200565-0 DUE TO AN OVERPAYMENT IN THE AMOUNT OF \$42.02  
RESOLUTION #449

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, the Town Comptroller is authorized to issue a water refund in the amount of \$42.02 to Crowne Victoria Realty Services LLC, Account #200565-0, representing an overpayment made on August 3, 2020.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH DAVID TETRO, P.C. FOR ARCHITECTURAL SERVICES FOR CONSTRUCTION WORK AT THE HIGHWAY DEPARTMENT  
RESOLUTION #450

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Supervisor is authorized to sign an agreement with David Tetro, P.C. for Architectural Services for the Addition, Toilet Room Upgrades and General Mechanical Upgrades to the Highway Department in the amount of \$14,500.00 to come out of Highway Fund Balance.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH REVANS DESIGN, P.E. P.C. FOR ENGINEERING SERVICES FOR CONSTRUCTION WORK AT THE HIGHWAY DEPARTMENT  
RESOLUTION #451

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that the Supervisor is authorized to sign an agreement with Revans Design, P.E. P.C. for Engineer Services for the Addition, Toilet Room Upgrades and General Mechanical Upgrades to the Highway Department in the amount of \$10,000.00 to come out of Highway Fund Balance.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

AUTHORIZE BARTON & LOGUIDICE, D.P.C. TO PERFORM A STORMWATER REVIEW FOR THE 650 PINES BRIDGE ROAD SUBDIVISION APPLICATION  
RESOLUTION #452

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, the Planning Board of the Town of Yorktown desires a review of the stormwater pollution prevention plan prepared for the proposed 3-lot subdivision located at 650 Pines Bridge Road, Ossining, NY 10562, also known as Section 70.10, Block 1, Lot 29 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested review of the stormwater pollution prevention plan pursuant to said on-call agreement for an amount not to exceed \$4,000.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown to perform a review of the stormwater pollution prevention plan prepared for the proposed 3-lot subdivision located at 650 Pines Bridge Road, Ossining, NY 10562, in an amount not to exceed \$4,000.00, and that the total cost shall be reimbursed by the applicant as part of the cost of the application's review.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

APPROVE USE OF THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER GYMNASIUM BY THE CHAMBER OF COMMERCE FOR 5 HOURS OF USE FOR A JOB FAIR ON TUESDAY, NOVEMBER 30, 2021 – FEE WAIVER  
RESOLUTION #453

RESOLVED, at the request of the Yorktown Chamber of Commerce, the Town Board hereby authorizes the use of the Albert A. Capellini Community & Cultural Center gymnasium for 5 hours of use for a job fair on Tuesday, November 30, 2021. The Town Board waives the rental fee of \$195.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

APPROVE TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 16.08 BLOCK 1 LOT 12, BANK STREET AND SECTION 16.08 BLOCK 1 LOT 14  
RESOLUTION #454

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.08 Block 1 Lot 12, Bank Street and Section 16.08 Block 1 Lot 14 on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 16.08 Block 1 Lot 12, Account Number 1879550 and tax parcel Section 16.08 Block 1 Lot 14 owned by or formerly owned by Bali Properties, Inc. for the assessment roll years 2019 and is settled as set forth in the proposed stipulation as follows:

Bank Street Tax ID: 16.08-1-12 Roll Year	Assessed Value From	Assessed Value To	Reduction
2019	6,300	6,300	0
2020	6,300	6,300	0

621 Bank Street Tax ID 16.08-1-14

Roll Year	Assessed Value From	Assessed Value To	Reduction
2019	117,000	100,800	16,200
2020	117,000	100,350	16,650

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

APPROVE RELEASE OF PERFORMANCE BOND FOR STORMWATER PERMIT #BSWPPP-065-19 FOR WORK DONE AT 332 HOMESTEAD ROAD RESOLUTION #455

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, Declan & Josephine O’Callaghan as applicants, posted \$250 to serve as the Performance Bond which was deposited to the T33 account in December of 2019 for Stormwater Permit #BSWPPP-065-19, and

WHEREAS, the applicants have requested their money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, the above-referenced bond be released to Mr. & Mrs. Declan O’Callaghan, 332 Homestead Road, Yorktown Heights, NY 10598.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

WETLAND, STORMWATER, AND TREE PERMIT FOR STORMWATER PERMIT – 2678 GREGORY STREET (FARRELL) RESOLUTION #456

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

WHEREAS, American Custom Builders (“Applicant”) applied to the Town Board of the Town of Yorktown for a MS4 Stormwater Management Permit pursuant to Chapter 248 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a detached, single family residence, driveway, stormwater detention basin and associated improvements (the action) on a vacant parcel situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is not required for the proposed action in which the Town Board serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and tree removal permit application FSWPP-0050-21, dated January 20, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated January 20, 2021, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Conservation Board  
Planning Department  
Town Engineer

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, in response to public comment the applicant’s consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and determined that the action will not have a significant adverse impact on the environment, and now

THEREFORE BE IT RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions:

- A drawing entitled: “Landscape Plan”, prepared by Gabriel E Senior, P.C., dated June 15, 2021, last revised October 31, 2021;
- A drawing entitled: “Stormwater Pollution Prevention and Erosion Control Plan”, prepared by Gabriel E Senior, P.C., dated April 12, 2021, last revised October 31, 2021;
- Tree Removal & Tree Planting Report – Tree Mitigation Proposal, prepared by Aaron J. Schmidt, dated October 29, 2001.

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution and that all work associated with the Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Stormwater and Tree Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution or shall become null and void unless an extension is requested by the applicant (in writing) within said six-month period and granted by the Town Board; and

Conditions that must be met prior to the Supervisor signing the Plans:

1. All outstanding comments of the Town Engineer must be addressed to their written satisfaction. Final reports from the Town Engineer shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
2. Prepare a Notice of Intent (NOI) to obtain coverage under the Stormwater General Permit for Construction Activity.

3. A construction monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
4. Prepare an erosion control plan for review and approval by the Town Engineer.
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,500 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.
6. Address the conditions contained in the following memos:
  - a. Planning Department dated November 9, 2021.
  - b. Conservation Board dated October 21, 2021
  - c. Tree Conservation Advisory Commission dated November 3, 2021

Conditions of the Tree, and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
3. A pre-construction meeting with the applicant's contractors and the Town Staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Town Engineer must provide written report, no later than at the expiration date of the wetland and stormwater permit, documenting the status of the implementation of the requirements of this resolution.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

APPOINTMENT OF ASSISTANT BUILDING INSPECTOR – STEVEN J. FRAIETTA  
RESOLUTION #457

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED that Steven J. Fraietta is hereby appointed Assistant Building Inspector, job class code # 0520-01 in the Town of Yorktown effective November 10, 2021, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 16, Step 5, which is \$97,093.00 annually with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement,

BE IT RESOLVED that, contingent upon successful completion of a drug test, this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 10, 2021

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

APPOINTMENT OF ASSISTANT WASTEWATER TREATMENT PLANT  
SUPERINTENDENT – MICHAEL J. ANTONUCCI  
RESOLUTION #458

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

BE IT RESOLVED that Michael J. Antonucci Jr. of Mohegan Lake, NY, is hereby appointed provisional Assistant Wastewater Treatment Plant Superintendent, job class code 0614-01, effective November 29, 2021, to be paid from Yorktown CSEA Salary Schedule A, Group 16, Step 5, which is 90,159.00 annually,

BE IT RESOLVED that, contingent upon successful completion of a drug test, the Town Board of the Town of Yorktown authorizes Michael J. Antonucci Jr. to be paid a stipend of \$769.23 per pay period for Grade 4 License to operate the Wastewater Treatment Facility.

Slater, Diana, Lachterman, Patel, Roker Voting Aye  
Resolution Adopted.

ADJOURN

Upon motion made by Councilwoman Roker, seconded by Councilman Patel, the Town Board meeting was adjourned.

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DIANA L. QUAST, TOWN CLERK  
CERTIFIED MUNICIPAL CLERK  
TOWN OF YORKTOWN